# TOWNSHIP OF MAHWAH
# SPECIAL COUNCIL MEETING AGENDA
# WEDNESDAY, JANUARY 29, 2025

**Honorable Anthony J. Gianni Jr. Chambers** **6:30 PM**
**Richard J. Martel Municipal Center**
**475 Corporate Drive, Mahwah, New Jersey**

**COUNCIL PRESIDENT'S STATEMENT**

**SALUTE TO THE FLAG**

**MOMENT OF SILENCE**

- **Veterans and Those Serving in the Military**

**ROLL CALL: _____ Ariemma; _____ Donigian; _____ Ervin; _____ Ferguson; _____ May; _____ Paz; _____ Wong**

**RESOLUTION**

#090-25 Closed Session Resolution

**CLOSED SESSION**

C1. Attorney-Client Privilege; Affordable Housing Round 4

**PUBLIC PORTION**

- Prior to speaking, each Speaker shall provide their Name and Address
- Mahwah Residents shall speak first
- In this Public Portion, Speakers may speak about any topic
- Speaker must direct questions or comments to the Council President
- There will be no back and forth dialogue between the Speaker and Representatives on the dais
- When the Speaker is finished with statement or questions, the Council will respond as appropriate
- Each Speaker shall be limited to 3 minutes, when 3 minutes expires, Council will move on to the next Speaker
- This Public Portion shall be a maximum of 30 minutes
- Speakers may only speak once during each Public Portion

**RESOLUTION**

#091-25 Resolution of the Council of the Township of Mahwah Committing to Round 4 Present and Prospective Need Affordable Housing Obligations

**ADJOURNMENT**

**THIS AGENDA IS SUBJECT TO CHANGE.**

# RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #090-25
DATE: January 29, 2025

| Name | Motion | Second | Yes | No | Abstain | Absent |
|---|---|---|---|---|---|---|
| Ariemma | | | | | | |
| Donigian | | | | | | |
| Ervin | | | | | | |
| May | | | | | | |
| Paz | | | | | | |
| Wong | | | | | | |
| Ferguson | | | | | | |

## RESOLUTION AUTHORIZING A CLOSED EXECUTIVE SESSION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MAHWAH

**WHEREAS,** meetings of the Mahwah Township Council are subject to the requirements of the Open Public Meeting Act N.J.S.A. 10:4-6 et seq. ("OPMA"); and

**WHEREAS,** the OPMA provides that a public body may exclude the public from a portion of a meeting during which the public body discusses items enumerated by N.J.S.A. 10:4-12b, which items are recognized by the OPMA as requiring confidentiality; and

**WHEREAS,** it is necessary and appropriate for the Township Council to discuss certain matters in a meeting not open to the public in accordance with N.J.S.A. 10:4-12b.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

1. The Township Council shall hold a closed meeting from which the public shall be excluded on January 29, 2025.
2. The general nature of the subjects to be discussed at said closed meeting shall be as follows:
    a. Pursuant to N.J.S.A. 10:4-12(b)(7), matters falling within the attorney-client privilege relating to:
        C1. Attorney-Client Privilege; Affordable Housing Roung 4

The minutes of said closed meeting shall be made available for disclosure to the public when the items that are subject of the closed session discussion are resolved and a reason for confidentiality no longer exists, in accordance with the OPMA.

I hereby certify that this resolution consisting of one page, was adopted at a meeting of the Township Council of the Township of Mahwah, on the 29th day of January, 2025.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

# RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #091-25
DATE: JANUARY 29, 2025

| Name | Motion | Second | Yes | No | Abstain | Absent |
|---|---|---|---|---|---|---|
| Ariemma | | | | | | |
| Donigian | | | | | | |
| Ervin | | | | | | |
| May | | | | | | |
| Paz | | | | | | |
| Wong | | | | | | |
| Ferguson | | | | | | |

**RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF MAHWAH COMMITTING TO ROUND 4 PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Township has a demonstrated history of voluntary compliance as evidenced by its Round 3 record; and

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 8, 2015, the Township of Mahwah (hereinafter "Mahwah" or the "Township") filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

**WHEREAS**, that culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes builder's remedy lawsuits until July 1, 2025; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter "A4" or "Amended FHA"); and

**WHEREAS**, A4 calculates the size of the regional affordable housing need as follows "projected household change for a 10-year round in a region shall be estimated by establishing the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. This household change, if positive, shall be

divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region, and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations…"; and

**WHEREAS**, this means that the regional need equates to 40% of regional household growth; and

**WHEREAS**, the 1985 version of the Fair Housing Act and A4 both prohibit a result that would compel a municipality to spend its own money on compliance; and

**WHEREAS**, the theory which permits a municipality to meet its obligations without municipal subsidy is zoning for "inclusionary zoning"; and

**WHEREAS**, inclusionary zoning most typically requires a 15% or 20% set aside; and

**WHEREAS**, it is not clear how a regional need predicated upon 40% of anticipated growth can be met with 15-20% set asides and without municipal subsidy; and

**WHEREAS**, this is exacerbated by the fact that certain other municipalities in the region have an allocation of 0% of the prospective need (new construction obligation), irrespective of the growth in that particular municipality; and

**WHEREAS**, A4 yields a statewide new construction obligation of over 8,400 affordable units per year; and

**WHEREAS**, this is a substantially higher annual number than was imposed by COAH in the "Prior Round" or any iteration of its Round 3 regulations; and

**WHEREAS**, A4 determines the size of the regional need, but does not calculate allocation of the need to individual municipalities; and

**WHEREAS**, instead, A4 required the Department of Community Affairs ("DCA") to produce non-binding estimates of need on or before October 20, 2024, which it did provide on October 18, 2024 ("DCA Report"); and

**WHEREAS**, the DCA Report calculates the Township's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 36 units and a Prospective Need or New Construction Obligation of 629 units; and

**WHEREAS**, the Township accepts the conclusions in the DCA Report, except regarding the land capacity allocation factor; and

**WHEREAS**, as to the **Land Capacity Allocation Factor,** the Township notes that the DCA belatedly provided the data it used to establish this factor, i.e., on or about November 27, 2024 instead of by October 20, 2024; and

**WHEREAS**, the Township further notes that the link to the DCA GIS data that the DCA belatedly made available to municipalities includes the following language: The land areas identified in this dataset are based on an the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. **It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.**" (emphasis added); and

**WHEREAS**, the DCA maintains that the areas the DCA identified as developable are indeed overinclusive and, consequently, the Township's Professional Planner, has prepared a report, attached hereto as Exhibit A; and

**WHEREAS**, correcting the allocation factors results in the Township's Round 4 Prospective Need Obligation being 444 units rather than the 629 units the DCA calculated; and

**WHEREAS**, Section 3 of A4 provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of A4; and

**WHEREAS**, Township's calculation of need is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of A4; and

**WHEREAS**, the Township specifically reserves the right to adjust those numbers based on one or any of the foregoing adjustments: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water); and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including, but not limited to the Highlands Regional Master Plan and its build out, the Pinelands or Meadowlands regulations and planning document; and

**WHEREAS**, in addition to the foregoing, the Township specifically reserves all rights to revoke or amend this resolution and commitment, as may be necessary, in the event of a successful challenge to A4 in the context of the Montvale case (MER-L-1778-24), any other such action challenging A4, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of A4; and

**WHEREAS**, in addition to the foregoing, the Township reserves the right to take a position that its Round 4 Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

**WHEREAS**, in light of the above, the Mayor and Council finds that it is in the best interest of Township to declare its obligations in accordance with this binding resolution and in accordance with the Act and

**WHEREAS**, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

**WHEREAS**, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the Act shall file an action "in the form of a declaratory judgment complaint . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner"; and

**WHEREAS**, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Township reserves any and all rights and remedies in relation to the AOC Directive; and

**WHEREAS**, the Township seeks a certification of compliance with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution; and

**NOW, THEREFORE, BE IT RESOLVED** on this 29th day of January, 2025, by the Council of the Township of Mahwah, Bergen County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this resolution.

2. The Mayor and Council hereby commit to a Present Need Obligation of 36 units and the Round 4 Prospective Need Obligation of 444 units as described in this resolution subject to all reservations of rights, which specifically include:

a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;

b) As described in the WHEREAS section, all rights to revoke or amend this resolution in the event of a successful legal challenge, or legislative change, to A4;

c) All rights to take any contrary position in the event of a third-party challenge to the obligations.

3. The Township hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint within 48 hours after adoption this resolution attaching this resolution.

4. The Township hereby directs its Affordable Housing Counsel to (a) file this Resolution with the "Program" pursuant to the requirements on A4.

5. The Township hereby directs that this Resolution be published on the municipal website within 48 hours of its passage, pursuant to A4.

6. This resolution shall take effect immediately, according to law.

## CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Council of the Township of Mahwah at a special meeting held on the 29th day of January, 2025, a quorum being present and voting in the majority.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson III
Council President

Shelbourne at Hunterdon
53 Frontage Road, Suite 110
Hampton, New Jersey 08827
Main: 877 627 3772

Colliers Engineering & Design

# Memorandum

To: Benjamin Kezmarksy, Business Administrator, Township of Mahwah

From: Darlene A. Green, PP, AICP

Date: January 22, 2025

Subject: Review and Findings of DCA Land Capacity Analysis GIS Data

Project No.: MWT-011S

This office serves as the Planner for the Township of Mahwah. On March 20, 2024, the Governor signed Bill A4, referred to as P.L. 2024, c.2. This new law modifies the Fair Housing Act, specifically N.J.S.A. 52:27D-304.3, which concerns the methodology to determine the prospective (Fourth Round) affordable housing obligation.

Three factors are employed to allocate the Regional Need to each applicable community – equalized non-residential valuation, income capacity, and land capacity. N.J.S.A. 52-27D-304.3c.(4) describes the land capacity factor and the steps to determine developable land. The law requires the use of the "land use/land cover data" most recently published by the Department of Environmental Protection ("DEP") as one of the analysis inputs.

P.L. 2024, c.2. tasked the Department of Community Affairs ("DCA") with calculating the Fourth Round affordable housing obligations. DCA released a report entitled Affordable Housing Obligation for 2025-2035 (Fourth Round) Methodology and Background ("DCA Report").[1] This report describes the steps taken to compute the Fourth Round Obligation. Page 15 of the report states, "The datasets mandated for use by the legislation have significant limitations in their use. The LULC data reflect a geographic depiction of the classification system established by the U.S. Geological Survey (Anderson Codes) and modified by DEP. Based on aerial imagery from 2020, land areas are identified by category to reflect uses and coverages."

P.L. 2024, c.2. also modified N.J.S.A. 52:27D-304.1 regarding requirements, specifically subsection a. which states, "Each municipality shall determine its municipal present and prospective need obligations…and may take into consideration the calculations in the report published by the department…"

The DCA Report was released on October 18, 2024. It was accompanied by a detailed spreadsheet illustrating the various calculations used in determining the Fourth Round affordable housing obligations. The spreadsheet includes a tab for each of the three allocation factors (land capacity, equalized non-residential valuation, and income capacity). However, the spreadsheet only noted an aggregated acreage value for each town. Detailed Geographic Information Systems ("GIS") mapping

[1] https://www.nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

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illustrating the location of the developable areas was not released until November 27, 2024. The timing of the production of the GIS data has made this exercise more difficult and on a rushed timeline.

Moreover, the link to the DCA GIS data[2], which includes a description section includes the following language:

> "The land areas identified in this dataset are based on an the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. **It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program**." (emphasis added)

This office was tasked with reviewing the detailed GIS mapping for accuracy. On or about December 2, 2024, this office downloaded the GIS data prepared by the DCA.[3] The DCA data was then overlaid with Township parcels, publicly-available environmental constraints data, and mapped utility easements.

The DCA GIS data identifies 52 areas within the Township as developable. These areas total 49.312 acres according to the GIS data. Each area has been assigned a unique "ObjectID" or identification number by DCA. The table attached as **Exhibit A** lists each area's identification number (see column "DCA ObjectID"), weighted acres, vacant acres, municipal total, and municipal percent of region identified by DCA.[4] Our office then added a column to identify the block(s) and lot(s) each area encompasses. We then reviewed each identified area to confirm if it was developable. To the extent an area was not objectively developable, it was removed from the inventory. Our detailed findings for each of the 52 identified areas is provided under "Findings/Comments". Finally, the table contains a column labeled "Adjusted Developable Acres" based upon the results of our area-by-area analysis.

The locations of the 52 identified areas can be viewed in the "Environmental Constraints with NJDCA Land Capacity Analysis Results" maps attached as **Exhibit B** and **Exhibit C**.

This detailed evaluation reveals that DCA's analysis is over-inclusive and only 11 of the 52 identified areas are developable. The 11 areas encompass 9.522 acres. Therefore, the Township of Mahwah's developable acreage is 9.522 acres, not 49.312 acres. When this corrected acreage data is entered into DCA's excel spreadsheet[5] the Township's Land Capacity Factor is amended from 2.49% to

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[2] https://njdca-data-hub-njdca.hub.arcgis.com/datasets/land-capacity-analysis-for-p-l-2024-c-2/about
[3] Ibid.
[4] Note that the DCA GIS attribute table labels this column as "vacant acres" not developable acres.
[5] https://www.nj.gov/dca/dlps/4th_Round_Numbers.shtml

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0.49%. The Township's Average Allocation Factor decreases from 2.27% to 1.60% and, accordingly, Mahwah's Fourth Round Obligation is adjusted from 629 to 444.

The below table illustrates the revisions to the allocation factors and Fourth Round Prospective Need Obligation as a result of our analysis.

| Allocation Factor/Prospective Need | DCA Calculation | Proposed Revision |
|---|---|---|
| Land Capacity Factor | 2.49% | **0.49%** |
| Equalized Non-residential Valuation Factor | 2.91% | 2.91% |
| Income Capacity Factor | 1.40% | 1.40% |
| Average Allocation Factor | 2.27% | **1.60%** |
| Prospective Need Obligation | 629 | **444** |

DCA's land capacity analysis followed the steps outlined in P.L. 2024, c.2 (N.J.S.A. 52-27D-304.3c.(4)) to determine land capacity. As described above, the base layer of information was the land use/land cover data prepared by DEP, which is based on aerial imagery from 2020. Our review of the data for the Township of Mahwah reveals the following shortcomings with the GIS analysis prepared by the DCA:

- It fails to account for a lack of street frontage.
- It is blind to block and lot lines and identifies portions of existing developed sites as developable. Many of these instances occur in rear and side yard setback areas.
- It fails to account for area shape and size. For example, areas as narrow as five feet are identified as developable.
- It does not take into account utility easements.

These issues are illustrated in **Exhibit B** and **Exhibit C**. The Township's tax maps can be found here: https://www.mahwahtwp.org/524/Tax-Maps

Mahwah does not dispute the DCA's calculation for Equalized Non-residential Valuation or Income Capacity. Thus, the Township is accepting the DCA analysis, but for the corrections to the Land Capacity Factor described in this memorandum. Correcting the Land Capacity Factor yields a Fourth Round Prospective Need Obligation of 444, not 629.

cc: Michael Edwards, Esq.

Exhibit A

| Township of Mahwah: DCA Land Capacity Factor Analysis | | | | | | |
|---|---|---|---|---|---|---|
| DCA ObjectID | Weighted Acres | Vacant Acres* | Municipal Total | Block(s) / Lot(s) | Findings/Comments | Adjusted Developable Acres |
| 28558 | 0.862782 | 0.862782 | 49.312226 | B181, L1 | The identified area is located at the corner of Wyckoff Avenue and Edison Place. The area is triangular and measures 493.5 feet long and 31 feet (east) to 112.9 feet (middle of area) deep. The middle of the area contains steep slopes, which separates the area into two sections. There are other isolated areas of steep slopes in the northwest corner and southeast corner of the identified area. The steep slopes encompass 0.101462 acres. Furthermore, the identified area is the side yard of an existing developed property. Due to these factors, the identified area is not developable. | 0 |
| 28559 | 0.098181 | 0.098181 | 49.312226 | B164, L24 | | 0.098181 |
| 28560 | 1.302367 | 1.302367 | 49.312226 | B167, L45.02 | | 1.302367 |
| 28561 | 0.18029 | 0.18029 | 49.312226 | B159, L44 | The identified area is irregularly shaped with a length that varies from 72.2 feet to 131.8 feet and a varying width of 0 feet (northern point) to 90 feet. Additionally, according to Sheet 83 of the Township's Tax Maps, Lot 44 contains a water tank. Furthermore, the identified area is on a parcel with no public street frontage. Due to these factors, the identified area is not developable. | 0 |
| 28562 | 0.453917 | 0.453917 | 49.312226 | B154, L55.01 | The identified area is measures 186.2 feet by 111 feet. However, the area is on a parcel with no public street frontage. Therefore, the identified area is not developable. | 0 |
| 28563 | 1.811371 | 1.811371 | 49.312226 | B152, L68.01 & 77.02 | This "L"-shaped area is located along Jahn Court and encompasses over 1.8 acres. However, 0.161369 acres at the front of the area is within the Highlands OWPA. Additionally, the northern corner of the area within Lot 77.02 is a smaller "L"-shaped section measuring only 3.5 feet wide, which cannot accommodate development. The area of the small "L" section totals 151.4 square feet. Therefore, developable acres must be reduced to 1.646526 acres. | 1.646526 |
| 28564 | 3.673637 | 3.673637 | 49.312226 | B147, L82 | This "L"-shaped property does not have public street frontage and is listed on Bergen County's Recreation and Open Space Inventory ("ROSI") as "Campgaw Mountain County Reservation".[1] See Appendix A, pages 58-61. The area is also entirely within the Highlands Riparian Area and partially within the Highlands OWPA. Due to these factors, the identified area is not | 0 |
| 28565 | 0.063967 | 0.063967 | 49.312226 | B156, L2 | The identified area is the side yard of an existing developed property and measures 146.2 feet long and 11.9 to 25.8 feet wide. The area totals 2,785.9 square feet. The size and shape of the area cannot accommodate development. The identified area is not developable. | 0 |
| 28566 | 2.214379 | 2.214379 | 49.312226 | B156, L2 | The identified area is the side yard of an existing developed property, which has a Class 15D (Church and Charitable Property) designation. The southeastern corner of the area is within the Highlands OWPA and Riparian Area (0.023199 acres). Due to these factors, the identified area is not developable. | 0 |
| 28567 | 2.617324 | 2.617324 | 49.312226 | B156, L2 & 71.01 | The identified area is the front, side, and rear yard of an existing developed property, Lot 2, which has a Class 15D designation. The southern portion of the identified area encompasses the western half of Lot 71.01, which does not contain any environmental features. The developable acres is reduced to 0.5941, which represents the portion of the identified area | 0.5941 |
| 28568 | 0.864966 | 0.864966 | 49.312226 | B148, L43.03 | The identified area contains a small area of steep slopes near the northern terminus of Deerfield Terrace. The steep slopes total 0.01369 acre. Therefore, developable acres is reduced to 0.851276 acres. | 0.851276 |
| 28569 | 0.490211 | 0.490211 | 49.312226 | B141, L22 | This triangular shaped area is located on the corner of Windsor Terrace and Campgaw Road. Lot 22 is listed on the County's ROSI as "Darlington County Park & Golf Course".[1] Therefore, the identified area is not developable. | 0 |
| 28570 | 0.189415 | 0.189415 | 49.312226 | B141, L50 | The identified area is irregularly shaped with a length of 204.5 feet and width of 10.5 feet (east) to 54.5 feet (west). Additionally, the area is the rear yard of the Township's Municipal Pool Complex and Ray and Staff Sgt. Timothy McGill Skating Facility. Furthermore, the identified area is located on a property that does not have public street frontage, except for along Interstate 287. Due to these factors, the identified area is not developable. | 0 |
| 28571 | 0.684807 | 0.684807 | 49.312226 | B141, Lot 50 | The identified area is the side yard of the Township's Municipal Pool Complex and Ray and Staff Sgt. Timothy McGill Skating Facility. Additionally, Lot 50 does not have public street frontage, except for along I-287. Furthermore, the Highlands OWPA and Riparian Area encompass 0.080203 acres of the eastern portion of the identified area. Due to these factors, the identified area is not developable. | 0 |

| Township of Mahwah: DCA Land Capacity Factor Analysis | | | | | | |
|---|---|---|---|---|---|---|
| DCA ObjectID | Weighted Acres | Vacant Acres* | Municipal Total | Block(s) / Lot(s) | Findings/Comments | Adjusted Developable Acres |
| 28572 | 0.103864 | 0.103864 | 49.312226 | B22, L4.01 | The identified area is located at the rear of Lot 4.01 and measures 205.7 feet by 24.2 feet. The area totals 4,523.5 square feet. The shape of the identified area cannot accommodate development. Additionally, the eastern quarter of the area is within the Highlands OWPA and Riparian Area. Due to these factors, the identified area is not developable. | 0 |
| 28573 | 1.786889 | 1.786889 | 49.312226 | B21.06, L25 | This area is located at the corner of Seminary Drive and Bramshill Drive. The eastern two-thirds of the identified area is within the Highlands OWPA and Riparian Area. Additionally, steep slopes are present along Brams Hill Road. These environmental features total 1.25664 acres. Therefore, developable acres is reduced to 0.530249 acres. | 0.530249 |
| 28574 | 0.263961 | 0.263961 | 49.312226 | B139, L5 | Lot 5 is owned by "Ramsey Water Co Boro of Ramsey" according to tax records and has an existing building and utility improvements in the northeast corner. The identified area is fully within the Highlands OWPA and Riparian Area. Due to these factors, the identified area is not developable. | 0 |
| 28575 | 0.118224 | 0.118224 | 49.312226 | B139, L5 | The identified area is isolated in the northwest corner of an existing developed property owned by "Ramsey Water Co Boro of Ramsey" according to tax records. The identified area is within the Highlands OWPA and Riparian Area and is surrounded by steep slopes. Due to these factors, the identified area is not developable. | 0 |
| 28576 | 0.181472 | 0.181472 | 49.312226 | B139, L5 | The identified area is located on an existing developed property owned by "Ramsey Water Co Boro of Ramsey" according to tax records. The identified area is irregularly shaped and measures 350 long (north to south) and varies from 5 feet wide to 39.5 feet wide. The area is located along the Masonicus Brook, is entirely within the Highlands OWPA and Riparian Area. Due to these factors, the identified area is not developable. | 0 |
| 28577 | 1.238845 | 1.238845 | 49.312226 | B110.01, L9 | Lot 9 was developed into a parking area for vehicle storage in 2021. The identified area encompasses the existing development. Additionally, the entire area is within the Highlands Riparian Area. Due to these factors, the identified area is | 0 |
| 28578 | 1.513588 | 1.513588 | 49.312226 | B18, L3 | The identified area is located on a property owned by "NJ Ed Facilities Authority" and is the Ramapo College of New Jersey Campus. The irregularly shaped area is located between the College's maintenance building and the internal road known as Woods Road (west) and between Woods Road and I-287 (east). The western section is triangular and located entirely within the Highlands Riparian Area. The eastern section measures 520.7 feet by 10 feet to 44.7 feet, which cannot accommodate development. The southern half of the eastern section is within the Highlands Riparian Area. Additionally, the eastern section includes a portion of Woods Road. Due to these factors, the identified area is not developable. | 0 |
| 28579 | 0.38157 | 0.38157 | 49.312226 | B118, L50 | The identified area is the rear yard of an existing developed lot. Additionally, the area contains steep slopes and the eastern half is within the Highlands OWPA and Riparian Area. Due to these factors, the identified area is not developable. | 0 |
| 28580 | 0.084056 | 0.084056 | 49.312226 | B18, L3 | The identified area is isolated in a wooded area to the south of the Overlook Residence Hall on the Ramapo College campus. The area is entirely within the Highlands OWPA and Riparian Area, Additionally, the diamond-shaped area measures 143.7 feet by 46.8 feet at the widest. The area width tapers to 0 feet to the north and south. Due to these factors, the identified area is not developable. | 0 |
| 28581 | 1.118671 | 1.118671 | 49.312226 | B18, L3 | The identified area encompasses existing landscaping in the front yard area between the Mayer Birch Estate and the internal road known as Cherry Lane on the Ramapo College campus. The area also contains steep slopes in the northern and southern ends. Due to these factors, the identified area is not developable. | 0 |
| 28582 | 0.259932 | 0.259932 | 49.312226 | B18, L3 | The identified area is located to the north of the Overlook Residence Hall on the Ramapo College campus. The area is entirely within the Highlands OWPA and Riparian Area. Additionally, the eastern edge of the area is developed with Woods Road and the northeast corner of the area contains what appears to be utility infrastructure. The identified area is not developable. | 0 |
| 28583 | 0.308692 | 0.308692 | 49.312226 | B18, L3 | The identified area is located to the south of the College Park Apartments on the Ramapo College campus. The area has a northern and southern section connected on the east side by a 7-foot-wide strip. The northern section is partially developed with the internal road known as Poplar Avenue and pedestrian walkways. The east side of the southern section contains a pedestrian walkway. The entire area is within the Highlands OWPA and Riparian Area. Due to these factors, the identified area is not developable. | 0 |

| Township of Mahwah: DCA Land Capacity Factor Analysis | | | | | | |
|---|---|---|---|---|---|---|
| DCA ObjectID | Weighted Acres | Vacant Acres* | Municipal Total | Block(s) / Lot(s) | Findings/Comments | Adjusted Developable Acres |
| 28584 | 1.029755 | 1.029755 | 49.312226 | B18, L3 | The identified area is the wooded area at the center of the College Park Apartments and between the internal roads known as Upper and Lower Evergreen Drives on the Ramapo College campus. The southern quarter of the area is within the Highlands OWPA, while the entire area is within the Highlands Riparian Area. Steep slopes are also located in the southeast corner of the area. Due to these factors, the identified area is not developable. | 0 |
| 28585 | 1.11432 | 1.11432 | 49.312226 | B18, L3 | The identified area is located between the Trustees Pavilion and Anisfield School of Business to the west (within Ramapo College) and a tributary of the Ramapo River to the east. The area measures 647.3 feet long and 115.9 feet wide, which tapers to 0 feet in the north. Popular Avenue traverses the southern third of the area, while Sumach Road, a pedestrian walkway, traverses the western boundary. The entire area is within the Highlands OWPA and Riparian Area, while steep slopes are present just north of Poplar Avenue. Due to these factors, the identified area is not developable. | 0 |
| 28586 | 2.177348 | 2.177348 | 49.312226 | B123, L17.01 | This "S"-shaped area encompasses the eastern third of Lot 17.01 and surrounds the Mahwah Fire Department Company No. 3 building, which is in the southeast corner of the property. The identified area to the south of the firehouse measures 256 feet long by 75.7 feet (east) to 45.8 feet (west) wide. The area to the west of the firehouse measures 297.7 feet long by 31.3 feet (west) and 119.2 feet (south) wide. The shape of these areas cannot accommodate development. The western two-thirds of the identified area is within the Highlands Riparian Area. For these reasons, the identified area is not developable. | 0 |
| 28587 | 2.025054 | 2.025054 | 49.312226 | B18, L3 | The identified area is located between Ramapo Valley Road and the parking lot in front of Bischoff Hall, a student housing building, on the Ramapo College Campus. The area contains steep slopes along the rear (east) boundary near the parking lot, which total 0.03114 acres. The identified area is a portion of the front yard of a developed site. The identified area is not | 0 |
| 28588 | 0.878108 | 0.878108 | 49.312226 | B102, L2 & 35 | The identified area is primarily located on a property (Lot 2) owned by a private utility, Rockland Electric Co, and measures 1,860.5 feet long and 8.9 feet to 57.1 feet wide. A triangular portion measuring 2,924.4 square feet is located on Lot 35, which is owned by the Township of Mahwah. The shape of the area cannot accommodate development due to a majority of the width being less than 40 feet wide. Additionally, the southern portion of the Rockland Electric Co. property and the Mahwah property contain overhead power lines. Furthermore, areas of steep slopes are located in the southern half of the identified area. Due to these factors, the identified area is not developable. | 0 |
| 28589 | 0.198804 | 0.198804 | 49.312226 | B18, L3 | The identified area is located between Mackin Hall, a student housing building, and Sumach Road, a pedestrian walkway, on the Ramapo College campus. The area measures 364.6 feet long and 48.4 feet wide. The area width tapers to 0 feet in the south, which cannot accommodate development. The area is entirely within the Highlands OWPA and Riparian Area. Due to these factors, the identified area is not developable. | 0 |
| 28590 | 0.535592 | 0.535592 | 49.312226 | B109, L67 | Identified area is situated immediately adjacent to and on the same lot as a water tank. Therefore, the identified area is not developable. | 0 |
| 28591 | 2.352981 | 2.352981 | 49.312226 | B18, L3 | This irregularly shaped area is located between a tributary of the Ramapo River and the College Park Apartments on the Ramapo College campus. The area is immediately south of an outdoor storage area and parking lot. The area has an overall length of 1,031.8 feet and a width that varies from 421.6 feet in the north to 16.2 feet in the south. The northeast corner of the identified area contains a tributary of the Ramapo River and a portion of Sumach Road, a pedestrian walkway. Additionally, the entire area is within the Highlands OWPA and Riparian Area. Due to these factors, the identified area is not | 0 |

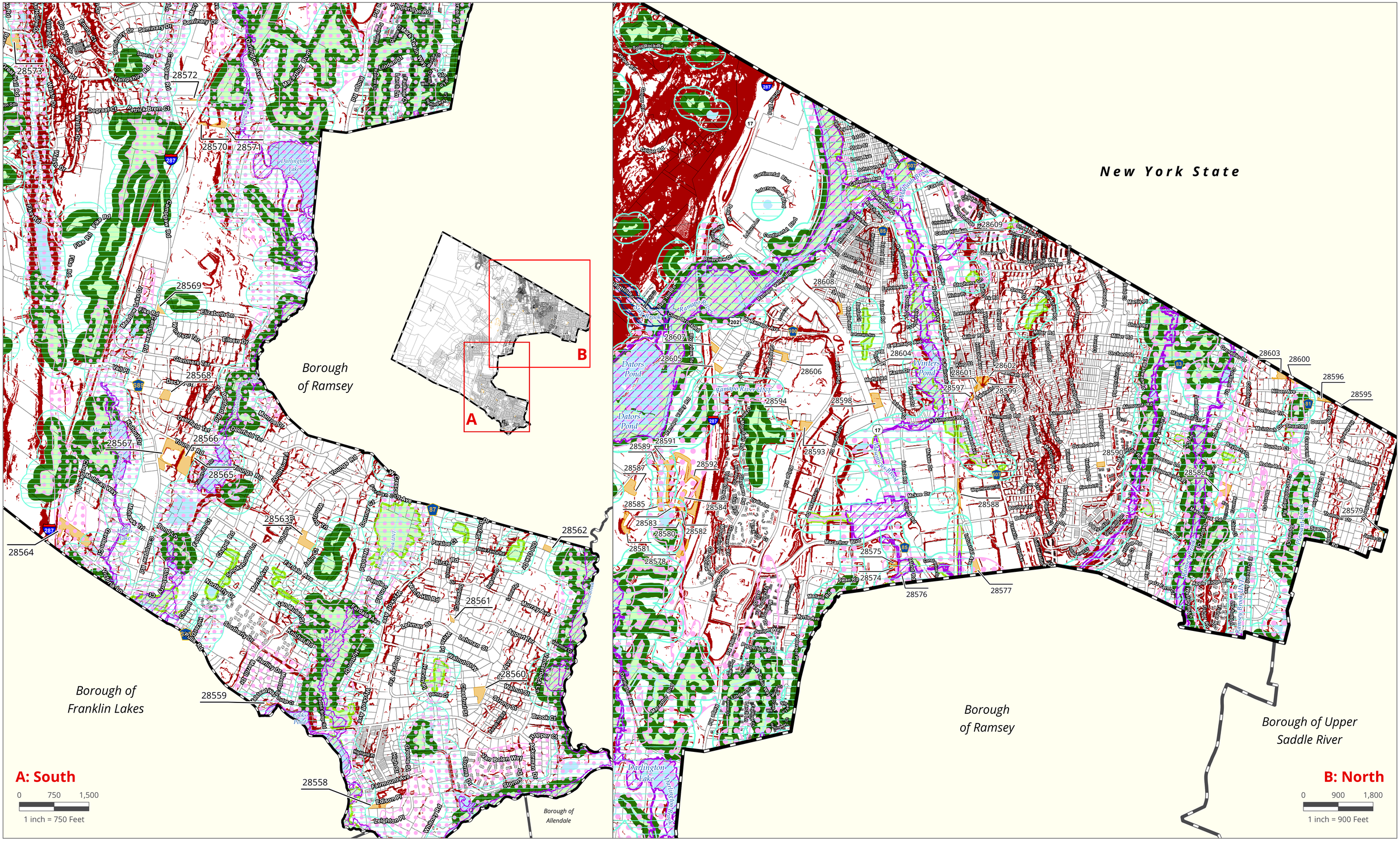
| Township of Mahwah: DCA Land Capacity Factor Analysis | | | | | | |
|---|---|---|---|---|---|---|
| DCA ObjectID | Weighted Acres | Vacant Acres* | Municipal Total | Block(s) / Lot(s) | Findings/Comments | Adjusted Developable Acres |
| 28592 | 5.960455 | 5.960455 | 49.312226 | B18, L3 | The identified area is a sprawling, irregularly shaped area that is generally located to the west of the College Park Apartments and nearby parking lots on the Ramapo College campus. The northwest corner of the area is located between a parking area and outdoor storage area. This portion also contains what appears to be utility infrastructure to the east of the "Hickory" student housing building. The Highlands OWPA encompasses the far northwestern portion of the identified area. Additionally, the Highlands Riparian Area encompasses the area west of the Lodge at College Park Apartments building. Furthermore, steep slopes are scattered throughout the identified area, including around the utility area near the Hickory building, to the east of the northern parking area, and in the northwest corner. Due to these factors, the identified area is not | 0 |
| 28593 | 1.208454 | 1.208454 | 49.312226 | B135, L54.02 | The identified area is the wooded front yard of an existing developed site. Identified site is not developable. | 0 |
| 28594 | 0.404714 | 0.404714 | 49.312226 | B135, L54.02 | The identified area is the wooded rear yard of an existing developed site. The southern "leg" of the identified area is within the Highlands OWPA. Identified site is not developable. | 0 |
| 28595 | 0.119179 | 0.119179 | 49.312226 | B118, L5 & 6 | This triangular area measures 326.7 feet long by 27 feet wide, which tapers to 0 feet to the east. The area totals 5,190 square feet. The shape of the identified area cannot accommodate development. Additionally, the identified area is the rear yards of homes located in New York State. Furthermore, neither property on which the identified area is located has public street frontage. Due to these factors, the identified area is not developable. | 0 |
| 28596 | 0.420679 | 0.420679 | 49.312226 | B118, L3 & 4 | The identified area is the rear yards of homes located in New York State. Additionally, the identified area is located on parcels that do not have public street frontage. Due to these factors, the identified area is not developable. | 0 |
| 28597 | 0.111505 | 0.111505 | 49.312226 | B92, L15 | The identified area is 159 feet long by 37.1 feet wide. Area width tapers to 0 feet to the north and south. Said area totals 4,856.3 square feet. The shape of the identified area cannot accommodate development. Due to these factors, the identified area is not developable. | 0 |
| 28598 | 1.86476 | 1.86476 | 49.312226 | B63, L10.01 | Areas of steep slopes are present in the northern half of the identified area. These slopes total 1,957 square feet. Therefore, developable acres is reduced to 1.819835 acres. | 1.819835 |
| 28599 | 0.103628 | 0.103628 | 49.312226 | B84, L33 | The identified area is located in the southeast corner of Lot 33 and measures 118.9 feet long by 10 feet to 34 feet wide. The area totals 4,513.2 square feet. The shape of the area cannot accommodate development and is therefore not developable. | 0 |
| 28600 | 0.472273 | 0.472273 | 49.312226 | B117, L10 | The identified area is the rear yard of a home located in New York State. The area is located on a property with no public street frontage. Therefore, the identified area is not developable. | 0 |
| 28601 | 0.976036 | 0.976036 | 49.312226 | B84, L33 & 34 | This irregularly shaped area is located on the western half of Lot 33 and the southern portion of Lot 34. The western "leg" located on Lot 34 is narrow, measuring 2.7 feet to 28.9 feet wide, which cannot accommodate development. The remaining area is irregularly shaped and totals 0.830119 acres. However, 1,267 square feet of steep slopes are located in the north and southwest corners of the remaining area. Therefore, developable acres is reduced to 0.801033 acres. | 0.801033 |
| 28602 | 0.315421 | 0.315421 | 49.312226 | B84, L33 | This irregular-shaped area is located in the northeast corner of Lot 33. The length of the area is 250.5 feet and the area width varies from 99 feet in the middle of the area to 0 feet in the northeast and southwest corners. The southern corner of the area, which totals 1,400 square feet, is less than 40 feet wide and cannot accommodate development. Additionally, the northeast corner contains steep slopes. The areas to the north and south of these slopes are less than 40 feet wide and total 3,060.8 square feet. The remaining area totals 9,332.9 square feet and measures 127.7 feet wide by 70 feet wide. Therefore, developable acres is reduced to 0.214254 acres. | 0.214254 |
| 28603 | 1.079436 | 1.079436 | 49.312226 | B117, L9 | The identified area is located to the east and on the same property as a water tank and utility building. Said property does not have public street frontage. For these reasons, the identified area is not developable. | 0 |
| 28604 | 0.101548 | 0.101548 | 49.312226 | B59, L18 | The identified area is located in the southeast corner of Lot 18. The area measures 166.8 feet long and 64.2 feet wide in the east, which tapers to 6.6 feet in the west. Said area totals 4,422.6 square feet. The shape of the identified area cannot accommodate development. Additionally, steep slopes are present in the area. Due to these factors, the identified area is | 0 |

| Township of Mahwah: DCA Land Capacity Factor Analysis | | | | | | |
|---|---|---|---|---|---|---|
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| 28605 | 0.644914 | 0.644914 | 49.312226 | B135, L9 | The identified area is located along I-287 and is owned by the NJ Department of Transportation. The identified area is situated on Lot 9, which does not have public street frontage other than along I-287. Therefore, the identified area is not | 0 |
| 28606 | 0.966709 | 0.966709 | 49.312226 | B135, L30 | | 0.966709 |
| 28607 | 0.697733 | 0.697733 | 49.312226 | B16.01, L3.01 | | 0.697733 |
| 28608 | 0.504126 | 0.504126 | 49.312226 | B55, L1 | The identified area is irregularly shaped and does not have public street frontage. Due to these factors, the identified area is not developable. | 0 |
| 28609 | 0.181314 | 0.181314 | 49.312226 | B70, L42 | The identified area is entirely within the Highlands OWPA and Riparian Area. Due to these factors, the identified area is not developable. | 0 |
| **Total** | **49.312224** | **49.312224** | | | | **9.522263** |

* The DCA GIS attribute table labels this column as "vacant acres", not developable acres.

[1] County ROSI (App. A, pages 58-61) https://co.bergen.nj.us/images/Departments__Services/Parks/Division_of_Land_Management/the-open-space-and-recreation-plan-osrp/bergen-county-osrp-draft-iii-11.28.2023.pc

Exhibit B




*ENVIRONMENTAL CONSTRAINTS WITH*
*NJDCA LAND CAPACITY ANALYSIS RESULTS*
*TOWNSHIP OF MAHWAH*
*BERGEN COUNTY, NEW JERSEY*

December 18, 2024
MWT011M

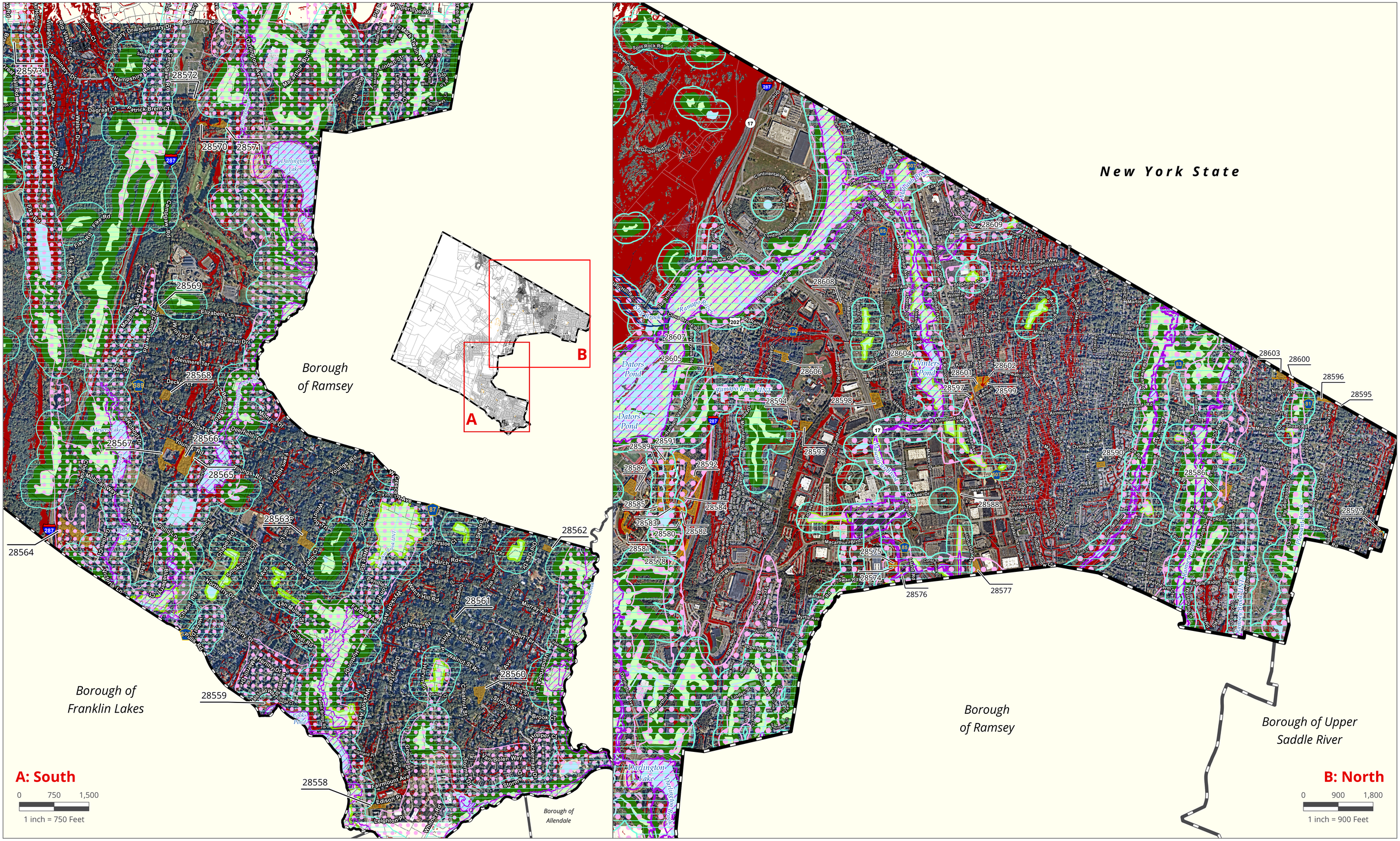
**Legend**

- Municipal Boundary
- Parcels
- NJDCA Land Capacity Analysis Results
- Water Bodies
- Category One (C1) Streams
- Non-C1 Streams
- 300-ft C1 Stream Buffer
- Wetlands
- 50-ft Wetlands Buffer
- 150-ft Wetlands Buffer
- FEMA Special Flood Hazard Area
- Highlands Open Water Protection Area
- Highlands Riparian Area
- Highlands Steep Slope Protection Area

N

Colliers Engineering & Design

Exhibit C




*ENVIRONMENTAL CONSTRAINTS WITH*
*NJDCA LAND CAPACITY ANALYSIS RESULTS*
*TOWNSHIP OF MAHWAH*
*BERGEN COUNTY, NEW JERSEY*

December 18, 2024
MWT011M

**Legend**

- Municipal Boundary
- Parcels
- NJDCA Land Capacity Analysis Results
- Water Bodies
- Category One (C1) Streams
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- Highlands Riparian Area
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N

Colliers Engineering & Design